

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

BREEA OSTERUD,)
vs. Plaintiff,)
SCHNUCK MARKETS, INC.,)
a foreign corporation, VAUGHAN)
FOODS, INC., a foreign corporation,)
4Q FARMS, LLC, a foreign corporation,)
C.H. ROBINSON WORLDWIDE, INC.)
d/b/a FOOD SOURCE MONTEREY,)
a foreign corporation, JOHN DOES 1-2,)
domestic and/or foreign corporations, and)
C & E FARMS, INC.)
Defendants.)
CAUSE NO.: 3:13-cv-115-WTL-WGH

PLAINTIFF'S PRELIMINARY WITNESS AND EXHIBIT LIST

Plaintiff Breea Osterud, by and through undersigned counsel, submits the following preliminary list of witnesses and exhibits that she presently believes she may introduce at trial. Plaintiff reserves the right to supplement or amend these lists at any time prior to trial.

Witnesses

1. Plaintiff, Breea Osterud;
2. Patricia Pelletier;
3. Nicholis Halwes;
4. Jan Osterud;
5. Jim Jones;
6. Lisa Beard;
7. Employees and agents of Schnuck Markets;
8. Employees and agents of C & E Farms;

9. Employees and agents of C. H. Robinson Worldwide, Inc., and its DBA, Food Source Monterey;
10. Employees and agents of Vaughan Foods;
11. Employees and agents of 4Q Farms;
12. Any individuals on Defendants' initial disclosures and preliminary or final witness lists, including any supplements or amendments thereto;
13. Any and all custodians of records necessary to authenticate any document used in this litigation;
14. Any and all health professionals who treated or witnessed Plaintiff's injuries;
15. Any individuals identified by Defendants in their Answers to Plaintiff's Interrogatories and Requests for Production;
16. Any experts Plaintiff or Defendants may retain and designate to testify by the deadline set in the parties' Case Management Plan; and
17. Additional individuals revealed, or whose relevance is revealed, in discovery not yet conducted or completed or necessary to respond to witnesses, documents, facts or opinions not yet disclosed to Plaintiff.

Exhibits

1. Documents that relate to any Defendants' purchases, sales, deliveries, or transfers of romaine lettuce, including all purchase orders and other documents that memorialize the same;
2. Documents that relate to any and all testing or testing standards for pathogens such as E. coli, on romaine lettuce or other leafy greens;
3. Documents produced by the parties in response for requests for production of documents in this and related cases;
4. Any and all correspondence with any federal or state agency related to, or touching on, the allegations in this lawsuit;
5. Defendants' responses to Requests for Admission, Requests for Production, and Interrogatories from Plaintiff(s) or third-party plaintiffs in this and related cases;
6. Documents related to any and all local, state, or federal health department or regulatory agency investigations, analyses or reporting on the outbreak the subject of this litigation;

7. Documents, reports, and exhibits created by Plaintiff's expert(s);
8. Documents related to Plaintiff's medical treatment or billing for medical treatment; and
9. Any documents identified in Defendants' initial disclosures, preliminary or final exhibit lists, including any supplements or amendments thereto.

If Plaintiff discovers additional witnesses or exhibits they intend to use at trial, counsel for Plaintiff will furnish an identification of the additional witnesses or exhibits to the Court and opposing counsel. This list does not include witnesses or exhibits Plaintiff may use for purposes of impeachment or rebuttal.

Respectfully submitted,

/s/ Ron Simon
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Co-counsel for Plaintiff Breea Osterud

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2014, that a true a copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system to:

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/s/ Ron Simon
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